

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3517 of 2017**

- Rendhiya Kenwat S/o Aaktiram Kenwat, Aged About 56 Years Caste- Kenwat- R/o Village Nandeli, Police Station & Tahsil Jaijaipur, District- Janjgir- Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Jaijaipur, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant	: Shri Gurudev I Sharan, Advocate
For Respondent/State	: Shri Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.6.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.51/2017 registered in Police Station Jaijaipur, Distt. Janjgir Champa for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 02.4.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending as Criminal Case No.411/17 before Chief Judicial Magistrate, Janjgir Champa. As per the allegation, 33.120 bulk liters of country made liquor has been seized from the possession of the present applicant. He further submits that though earlier Crime

No.115/15, 293/14 and 141/16 under Section 36C of the Chhattisgarh Excise Act has been registered against the applicant but the above mentioned matters are bailable offences and in those cases the applicant had paid the fine amount awarded by the concerned Court. The applicant will not commit any offence in future, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application on the basis of the criminal antecedent of the applicant and also the quantity of liquor so seized from the applicant.

5. Perused the entire material.

6. As the applicant is in jail for two months and seventeen days, charge sheet has been filed, the trial may take sometime, and also considering the fact that though earlier aforementioned three offences were registered against him, which are as per the provisions of law bailable offence, I am inclined to grant one last opportunity to the applicant, so that he shall not commit any similar or other offence in future.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of Chief Judicial Magistrate, Janjgir Champa for his appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench

by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE